IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6725 of 1993

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI
and
Hon'ble MR.JUSTICE B.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

AJIT D PADIVAL ADVOCATE

Versus

STATE OF GUJARAT & ORS

Appearance:

MR NV ANJARIA as amicus curiae.
Ms. Manisha Lavkumar, Assistant GOVERNMENT PLEADER for Respondent No. 1 and 2
Mr.B.B. Naik, for respondent No.3.
MR SN SHELAT for Respondent Nos. 4 and 5.
MR JR NANAVATI for Respondent No. 7
MR KS NANAVATI for Respondent No. 11
MR SH SANJANWALA for Respondent No. 12

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI
and
MR.JUSTICE B.C.PATEL

Date of decision: 30/03/2000

C.A.V. JUDGEMENT: (Per D.M. Dharmadhikari, C.J.)

1. This Special Civil Application was entertained at the instance of one of the Advocates, Mr.Ajit D. Padival, who brought to the notice of this Court a news item published in "Gujarat Samachar", regarding the death of a student, by name Sandeepan Das, on 22nd June, 1993, in the Hostel of National Institute of Design, Ahmedabad. In the news item, it was stated that the above-named student, who was a hosteler, was found dead in his room on 22.6.1993 in mysterious circumstances. On the petition, notices were issued to the State of Gujarat and the Commissioner of Police and, in course of proceedings, also to the Director of the National Institute of Design and the other educational authorities of the Gujarat University.

2. On behalf of the National Institute of Design, an affidavit has been filed by Shri P.S.V. Kurup, who is serving as Head of General Administration in the Institute. He has stated, on affidavit, that Sandeepan Das was seen by other hostelers in the room hanging by neck. His body was immediately sent for post mortem. The post mortem report shows that he died of asphyxia. On behalf of the Institute, it has also been stated that on enquiry made from other hostelers and his friends, it was not revealed that the deceased student was in any manner subjected to any ill-treatment or ragging by other students of the Institute.

3. Since the petition was pending for a long period, this Court received a letter from the parents of the deceased student, requesting this Court for early decision of the matter. The petition was, thereafter, taken up expeditiously for hearing. When the matter was re-listed before the Court, we directed the State of Gujarat, through the Police Department, to submit the investigation report, along with the affidavit of the Investigating Officer.

4. Pursuant to the above direction, the Investigating Officer has submitted his report, along with all papers of investigation. As per the report of the Police, the incident of alleged suicidal death of the student took place within a month of his admisison in the Institute. In the course of investigation, his friends and other hostelers were interrogated. From their statements, it appears that the deceased student was of

reserved nature and appeared to be somewhat sad and in tension. On the fateful day, when he was found hanging by neck, he had not taken food, which is confirmed from the post mortem report. In the post mortem report, the Police has not found any injuries on the body of the deceased to even prima facie indicate that he was subjected to any physical torture. On behalf of the Institute, the learned counsel, who appeared, stated that in the Institute, the students do not indulge in ragging.

5. Since nobody represented the parents of the student, on our request Shri Nilay V. Anjaria, learned counsel, appeared as Amicus Curiae and we thankfully acknowledge his services. He specifically took time from us to go into the details in the investigation report of the Police and the affidavit filed on behalf of the Institute. We re-listed the matter to enable the learned Amicus Curiae to carefully go through the report and the papers on record. The learned Amicus Curiae, on the last date of hearing, stated that from the report of police investigation, it is not possible to come to a definite opinion that the death of the student was as a result of any ill-treatment to him. According to him, the post mortem report shows the death to be suicidal and not homicidal. The background in which the student committed suicide is shrouded in mystery.

6. After receiving the police report and the affidavit of the Institute, we do not find any ground to issue any further directions in this matter. It is, no doubt, true that the mystery surrounding the alleged suicidal death of the student remains unravelled, but, in the circumstances and the facts that have been found out, we find it no longer necessary to keep this petition pending. It is accordingly disposed of. Rule is discharged with no order as to costs.

7. A copy of this judgment be also sent to the parents of the deceased student at their address contained in the registered letter dated 28.5.1996 addressed to this Court by the father of the deceased student.

March 30, 2000 (D.M. Dharmadhikari, C.J.)

(B.C. Patel, J.)

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(apj)